

REMARKS

Instant claims 1-4, 6, and 8-10 stand pending in this Application. There are no new amendments to the claims.

***Summary Of Telephonic Interview With The Examiner***

On March 26, 2008, Examiner Sanza McClendon and Applicants' representative, Mr. Andrew Merriam, conducted a telephonic interview to further prosecution in the instant application. During the interview, the parties discussed the Terminal Disclaimer submitted as part of the Response to Office Action dated October 25, 2007. The Examiner stated that Mr. Merriam is, indeed, an attorney of record in the case and that the Terminal Disclaimer is now approved. The Applicant wishes to thank the Examiner for extending the courtesy of a telephonic interview.

***Statement Regarding Common Ownership Under 35 USC 103(c)***

As of the time of the filing of the instant application, and also as of the time the instant invention was made, the instant application was subject to an obligation of assignment to Rohm and Haas Company.

As of the time of the filing of the instant application, and also as of the time the instant invention was made, U.S. Patent Publication No. 2004/0054063 (Serial No. 10/642,791), to Brown et al., was subject to an obligation of assignment to Rohm and Haas Company.

As shown in the preceding two paragraphs, on the filing date of the instant application each of the instant application, and U.S. Patent Publication No. 2004/0054063 (Serial No. 10/642,791) was subject to an obligation of assignment to the same person, Rohm and Haas Company. Further, the instant application has an effective filing date of December 19, 2002, whereas U.S. Patent Publication No. 2004/0054063 (Serial No. 10/642,791) was published on March 18, 2004. Therefore, U.S. Patent Publication No. 2004/0054063 (Serial No. 10/642,791) is available as prior art only under 35 USC § 102(e), (f) and (g). Accordingly, U.S. Patent Publication No. 2004/0054063 (Serial No. 10/642,791), is not available as prior art under 35 USC § 103. 35 USC § 103(c).

### **Double Patenting**

Claims 1-4, 6, and 8-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent Publication No. 2004/0054063 (Application Serial No. 10/642,791) in view of Dersch *et al.* (U.S. 6,492,451). Applicants respectfully traverse this rejection. U.S. Patent Publication No. 2004/0054063 (Application Serial No. 10/642,791) and the instant application are commonly owned. See the Statement of Common Ownership, above. The Examiner has approved the earlier submitted Terminal Disclaimer (see *Summary Of Telephonic Interview With The Examiner*, above).

In light of the above, the double patenting rejection should be withdrawn.

### **Claim Rejections: 35 U.S.C. §103(a)**

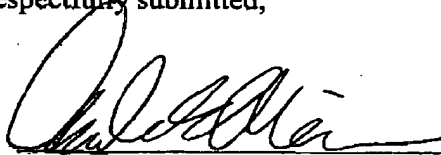
Claims 1-4, 6, and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brown *et al.* (U.S. 2004/0054063; "Brown"), in view of Dersch *et al.* (U.S. 6,492,451; "Dersch"). Applicants respectfully traverse this rejection.

In view of the Statement of Common Ownership and Terminal Disclaimer presented above, Applicants respectfully submit that Brown is not available for a 35 U.S.C. §103(a) rejection. This rejection should be withdrawn.

CONCLUSION

Based on the foregoing, the instant claims are believed to be in condition for allowance. Applicants' attorney thanks the Examiner for the time taken to conduct the telephonic interview of 26 March, 2008, and also the time taken to review this response. The Applicants request early and favorable action, including allowance of claims 1-4, 6, and 8-10 in light of the foregoing remarks.

Respectfully submitted,



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